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International residual mechanism for criminal tribunals

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Mr. Noel **González Segura** (Mexico)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-sixth session the items entitled "International residual mechanism for criminal tribunals", "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in

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the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the items at its 22nd, 24th and 25th meetings, on 13, 19 and 23 December 2011. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/66/SR.22, 24 and 25).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2012-2013 (A/66/537 and Corr.1);

(b) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/66/600);

(c) Report of the Secretary-General on the revised estimates for the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the International Residual Mechanism: effect of changes in rates of exchange and inflation (A/66/605);

(d) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/66/7/Add.22).

II. Consideration of draft resolution A/C.5/66/L.13

4. At its 25th meeting, on 23 December, the Committee had before it a draft resolution entitled "International Residual Mechanism for Criminal Tribunals" (A/C.5/66/L.13), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Norway.

5. At the same meeting, the Committee adopted draft resolution A/C.5/66/L.13 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

International Residual Mechanism for Criminal Tribunals

The General Assembly,

Having considered the reports of the Secretary-General on the budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2012-2013[1] and on the revised estimates arising from the effects of changes in rates of exchange and inflation,[2]

Having also considered the related reports of the Advisory Committee on Administrative and Budgetary Questions,[3]

Recalling Security Council resolution 1966 (2010) of 22 December 2010 regarding the establishment of the International Residual Mechanism for Criminal Tribunals, comprising a branch for the International Criminal Tribunal for Rwanda, which shall commence functioning on 1 July 2012, and a branch for the International Tribunal for the Former Yugoslavia, which shall commence functioning on 1 July 2013,

1. *Takes note* of the reports of the Secretary-General on the financing of the International Residual Mechanism for Criminal Tribunals for the biennium 2012-2013[1] and on the revised estimates arising from the effects of changes in rates of exchange and inflation;[2]

2. *Endorses* the conclusions and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions,[3] subject to the provisions of the present resolution;

3. *Encourages* the Secretary-General to enhance efforts to transfer cases of the Mechanism to national jurisdiction;

4. *Recalls* paragraph 76 of the report of the Advisory Committee on Administrative and Budgetary Questions,[4] and requests the Secretary-General to report on lessons learned on the use of the double-hatting arrangement in the context of the second performance report on the programme budget for the biennium;

5. *Requests* the Secretary-General to submit a report to the General Assembly, no later than at the second part of its resumed sixty-sixth session, providing detailed information on a comprehensive project management plan for the construction, in Arusha, United Republic of Tanzania, of the proposed new facilities for the archives of the Mechanism, including programmatic and functional requirements, a conceptual design and key milestones from design to construction to occupation;

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[1] A/66/537 and Corr.1.

[2] A/66/605.

[3] A/66/600 and A/66/7/Add.22.

[4] A/66/600.

6. *Decides* to appropriate an initial amount of 3 million United States dollars for the overall construction of the proposed new facilities for the archives;

7. *Authorizes* the expenditures, from within the amount appropriated in paragraph 6 above, to cover only expenses related to the conceptual design phase of the proposed new facilities for the archives;

8. *Decides* to review the project requirements in the context of the consideration of the report requested in paragraph 5 above;

9. *Requests* the Secretary-General to ensure the full involvement of the Overseas Property Management Unit of the Office of Central Support Services of the Secretariat in all phases of implementation of the project;

10. *Decides* that the staffing for the continuous activities of the Mechanism shall comprise sixty-seven posts for the biennium 2012-2013, as set out in table 3 of the report of the Secretary-General;[1]

11. *Also decides* that the expenses of the Mechanism shall be met through additional resources on the basis of assessed contributions and that they shall be financed through a separate special account;

12. *Further decides* to appropriate to the Special Account for the International Residual Mechanism for Criminal Tribunals a total amount of 49,771,700 dollars gross (47,325,100 dollars net) for the biennium 2012-2013, to include the amount reflected in paragraph 6 above, as detailed in the annex to the present resolution;

13. *Decides* that the total assessment for 2012 under the Special Account would amount to 24,885,850 dollars, being half of the estimated appropriation approved for the biennium 2012-2013;

14. *Also decides* to apportion the amount of 12,442,925 dollars gross (11,831,275 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2012;

15. *Further decides* to apportion the amount of 12,442,925 dollars gross (11,831,275 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2012;

16. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 14 and 15 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,223,300 dollars approved for the International Residual Mechanism for Criminal Tribunals for 2012.

Annex

Financing for the biennium 2012-2013 of the International Residual Mechanism for Criminal Tribunals

	Gross	*Net*
	United States dollars	
Estimated appropriation for the biennium 2012-2013	55 051 400	51 198 800
Revised estimates: effects of changes in rates of exchange and inflation	(1 258 100)	(20 500)
Recommendations of the Advisory Committee on Administrative and Budgetary Questions	—	—
Recommendations of the Fifth Committee	(4 021 600)	(3 853 200)
Estimated initial appropriation for the biennium 2012-2013	49 771 700	47 325 100
Total assessment for 2012	**24 885 850**	**23 662 550**
Of which:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2012	12 442 925	11 831 275
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2012	12 442 925	11 831 275